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Patent
Attorney's Docket No. 008788-038

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	
)	
Alessandro CARROZZI et al.)	Group Art Unit: 2859
)	
Application No.: 10/043,151)	Examiner: B. Shrivastav
)	
Filed: January 14, 2002)	Confirmation No.: 5272
)	
For: MACHINE FOR DIAGNOSTIC)	
AND/OR THERAPEUTIC)	
TREATMENT, PARTICULARLY A)	
NUCLEAR MAGNETIC)	
RESONANCE IMAGING MACHINE)	

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Official Action dated June 3, 2003, the Examiner is respectfully urged to reconsider and withdraw the outstanding rejections.

Claims 39-49 are currently pending in the application. Claims 39, 41, 44, 45 and 48 have been rejected under 35 U.S.C. §102(b) as being allegedly anticipated by U.S. Patent No. 5,986,531, hereinafter *Carrozzi*. First, Applicants would like to point out that the present application claims the priority of Serial No. 09/412,636, which was filed in the United States on October 5, 1999. Accordingly, *Carrozzi* is not prior art under 35 U.S.C. §102(b). However, there may be publications of foreign similar applications. Accordingly, Applicants will distinguish over *Carrozzi* on the merits.

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The present invention relates to a nuclear magnetic resonance imaging machine comprising at least two plane surfaces delimiting a cavity for receiving a part of a patient, a magnet having at least one rigid shielding member movable to a position at least partially closing an open side of the cavity, the shielding member comprising electrically conductive material. Additional details of the invention are set forth in the dependent claims 40-49.

To enhance the Examiner's understanding of the present invention, the Examiner's attention is directed to page 22, line 16, *et seq.*, wherein a description of the shielding member 41 is provided. As set forth in the specification, and in the drawings, the preferred embodiment of the present invention includes a U-shaped frame 141. Member 41 is designed in the form of a rigid oscillating cover for shielding the electromagnetic noise. See page 22, lines 12-15 and lines 22-26. However, the present invention is not limited to the disclosed preferred embodiments.

In contrast to the present application, *Carrozzi* does not teach or suggest the claimed combination which includes, among other elements, a rigid shielding member. With regard to the cited prior art *Carrozzi*, the Examiner refers to reference numerals 9, 10 and 18 as allegedly corresponding to the rigid and movable shielding member. However, a close review of the specification indicates that elements 9, 10 and 18 are fabric or wire mesh. See column 6, lines 42-52; column 7, lines 9-13 and lines 14-18; column 8, lines 65, which refers to the curtain-like elements 18; and column 9, lines 4-6 which refers to the electrically conductive fabric forming the curtains 18. Accordingly, there are numerous references in *Carrozzi* that make it clear that the shielding elements 9, 10 and 18 are a wire mesh or fabric, all of which are clearly flexible, and are not rigid. The *Carrozzi*

shielding elements are intended to be flexible so that they can conform to parts of the body inserted into the cavity 5. See, e.g., Figure 1. The fact that a coulisse is formed for the passage of a string 11 which serves for fastening the shields 9 and 10 to the flanges is a clear indication that the shield disclosed in *Carrozzi* is not rigid. See Figure 2.

Accordingly, *Carrozzi* does not disclose the combination of claim 39 that includes a rigid shielding member. In view of the fact that claim 39 distinguishes over the cited prior art, the dependent claims 41, 44, 45 and 48 are also patentable over *Carrozzi*.

Claims 42, 43 and 49 have been rejected under 35 U.S.C. §103(a) as being unpatentable over *Carrozzi* and further in view of U.S. Patent No. 6,313,632, hereinafter *Aoki*. However, in *Aoki*, the "shields 26" identified by the Examiner are plywood packing members designed to protect the magnet during shipping. See column 3, lines 65 through column 4, line 4. Accordingly, claims 42, 43, and 49, which depend from claim 39, are also patentable over the cited prior art at least for the reason set forth above concerning claim 39.

In the event that there are any questions concerning this response, or the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution of the application may be expedited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: September 3, 2003

By: William C. Rowland
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Alessandro Carrozzi et al.) Group Art Unit: 2859
Application No.: 10/043,151) Examiner: B. Shrivastav
Filed: January 14, 2002) Confirmation No.: 5272
For: MACHINE FOR DIAGNOSTIC)
AND/OR THERAPEUTIC)
TREATMENT, PARTICULARLY A)
NUCLEAR MAGNETIC RESONANCE)
IMAGING MACHINE)

AMENDMENT/REPLY TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is a reply for the above-identified patent application.

- ☐ A Petition for Extension of Time is also enclosed.
- ☐ A Terminal Disclaimer and the ☐ \$55.00 (2814) ☐ \$110.00 (1814) fee due under 37 C.F.R. § 1.20(d) are also enclosed.
- ☐ Also enclosed is/are _____.
- ☐ Small entity status is hereby claimed.
- ☐ Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the ☐ \$375.00 (2801) ☐ \$750.00 (1801) fee due under 37 C.F.R. § 1.17(e).
- ☐ Applicant(s) requests that any previously unentered after final amendments not be entered. Continued examination is requested based on the enclosed documents identified above.
- ☐ Applicant(s) previously submitted ___, on ___, for which continued examination is requested.
- ☐ Applicant(s) requests suspension of action by the Office until at least ___, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.

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- ☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.
- ☒ No additional claim fee is required.
- ☐ An additional claim fee is required, and is calculated as shown below:

AMENDED CLAIMS					
	NO. OF CLAIMS	HIGHEST NO. OF CLAIMS PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	ADD'L FEE
Total Claims		MINUS =		× \$18.00 (1202) =	
Independent Claims		MINUS =		× \$84.00 (1201) =	
If Amendment adds multiple dependent claims, add \$280.00 (1203)					
Total Claim Amendment Fee					
If small entity status is claimed, subtract 50% of Total Claim Amendment Fee					
TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT					

☐ A total fee in the amount of \$ _____ is enclosed.

☐ Charge \$ _____ to Deposit Account No. 02-4800.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: September 3, 2003

By:



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